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EXAMINER
DESIR, PIERRE LOUIS

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*19 August 2003*</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 August 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>*10 March 2004*</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Drawings

1.   The drawings are objected to because figs. 3-7, and 13 are not clear. Corrected

drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to

avoid abandonment of the application. Any amended replacement drawing sheet should include

all of the figures appearing on the immediate prior version of the sheet, even if only one figure is

being amended. The figure or figure number of an amended drawing should not be labeled as

"amended." If a drawing figure is to be canceled, the appropriate figure must be removed from

the replacement sheet, and where necessary, the remaining figures must be renumbered and

appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the

remaining figures. Each drawing sheet submitted after the filing date of an application must be

labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR

1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the

drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is

required to submit a marked-up copy of each Replacement Sheet including annotations

indicating the changes made to the previous version. The marked-up copy must be clearly

labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that

explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the

proposed drawing and marked-up copy will result in the abandonment of the application.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claims 16 –17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 16-17 recites the limitation "said voice communication system" in lines 1-2 of both claims. There is insufficient antecedent basis for this limitation in the claim.

Note: for the process of examination, "said voice communication system" will be interpreted as "a voice communication system."

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claim 18 is rejected under 35 U.S.C. 102(e) as being anticipated by Plush et al. (Plush) (Pub. No. 2002/0068546).

Plush discloses a system for capturing airtime usage of a wireless handheld device

comprising: a database system (i.e., relational database) storing a plurality of clients and matters

configured to communicate with said wireless handheld device and relate wireless

communication usage to one of said clients and matters (i.e., holds call detail records, subscriber

detail records, bundle records, group records and billing account records. The relational database

holds subscriber data for each subscriber identifying the billing account to which the subscriber

belongs, and if the subscriber is an individual subscriber, details identifying the subscription type

which the subscriber holds, or if the subscriber belongs to a group, data identifying the group to

which the subscriber belong) (see page 3, paragraph 55); and a wireless handheld device (i.e.

mobile station) configured for wireless communication (see fig. 1) and for automatically

transmitting matter information and wireless communication usage to said database system (i.e.,

when the user of the mobile station 8 utilizes a telecommunications service provided by the

mobile communications network, for example by initiating a voice call, sending a fax, sending

data, sending text messages, or retrieving voicemail, etc, a call detail record is generated in the

network, which is sent to a billing centre 16) (see page 2, paragraph 39).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bekanich (Pub. No. 2004/0209595), in view of Plush et al. (Plush) (Pub. No. 2002/0068546).

Regarding claim 1, Bekanich discloses a method for capturing airtime usage information

in a wireless handheld device and attributing said airtime usage to one of a plurality of matters

comprising: detecting and timing airtime usage (see fig. 13, page 6, paragraph 86); capturing call

record information related to the airtime usage in memory of the wireless handheld device (i.e.,

the CPUs keep a log of all incoming and outgoing communications. The log may be stored on an

internal memory of the CPUs, or any other memory device) (see page 6, paragraph 87).

Although Bekanich discloses a method wherein the CPU may be further programmed to,

at a predetermined time (e.g., once a day, week, month, or the end of a billing cycle)

automatically send usage information to a computer (see paragraph 102), Bekanich does not

specifically disclose a method comprising transmitting captured call record information and

airtime usage timing from said wireless handheld device to a database so that costs for said

airtime usage are attributable to said matter.

However, Plush discloses a method for generating billing data for subscribers in a

telecommunication system (see paragraph 1) wherein call detail records are periodically

transferred to a billing system. The call detail records are related to attach a charge to each usage

recorded in the call detail records (see page 1, paragraph 4).

Therefore, it would have been obvious to one of ordinary skill in the art to combine both

teachings to arrive at the claimed invention. A motivation for doing so would have been to

ensure the accuracy of the billing process.

Regarding claim 2, Bekanich discloses a method (see claim 1 rejection) wherein said wireless handheld device provides voice communication (i.e., voice event) (see page 6, paragraph 86) and wherein detecting airtime usage comprises detecting an outgoing call and timing said outgoing call (i.e., the CPUs preferably recognizes the bearer code and or radio frequency associated w/the incoming or outgoing call and activates the corresponding timer to monitor that event and record the event activity) (see page 6, paragraph 87).

Regarding claim 3, Bekanich discloses a method (see claim 1 rejection) wherein said wireless handheld device provides voice communication (i.e., voice event) (see page 6, paragraph 86) and wherein said detecting airtime usage comprises detecting an incoming call and timing said incoming call (see page 6, paragraph 87).

Regarding claim 4, Bekanich discloses a method (see claim 1 rejection) wherein capturing call record information comprises prompting a user for matter information prior to airtime usage (i.e., the operator may be prompted to call the service provider to request additional units (e.g. minutes) in the billing plan) (see page 6, paragraph 91).

Regarding claim 5, Bekanich discloses a method (see claim 1 rejection) wherein said capturing call record information comprises prompting a user for call record information after airtime usage (i.e., monitoring the available usage of the wireless communication device and continuously displaying the available usage of the wireless communication device after the termination of the device event) (see page 3, paragraph 37).

Regarding claim 6, Bekanich discloses a method (see claim 1 rejection) wherein capturing call record information comprises a user entering an alphanumeric string that identifies the client matter number (i.e., the website or customer service representative of the vendor

preferably prompts the customer to enter necessary personal information into a database. The

customer may enter their billing plan information of their wireless phone or PDA service

provider) (see fig. 17, paragraph 99).

Regarding claim 7, Bekanich discloses a method (see claim 1 rejection) wherein

capturing information comprises a user entering call record information verbally (i.e., the voice

data, formed by digitizing the audio signal, may contain a spoken command information which

causes the CPU 117 to perform various functions, such as dialing a call, and displaying

information such phone numbers on display 116) (see page 5, paragraph 82).

Regarding claim 8, Bekanich discloses a method (see claim 1 rejection) wherein

capturing information comprises a user entering call record information manually (i.e., Key pad

118 may be used by an operator to input commands to CPU 117 to perform various functions,

such as placing a phone call, storing phone numbers in a phone book, and settings various

parameters for control functions within the CPU 117) (see page 5, paragraph 83).

Regarding claim 9, Bekanich discloses a method (see claim 1 rejection) wherein

transmitting said call record information comprises sending a data message (i.e., the CPU may be

further programmed to, at a predetermined time (e.g., once a day, week, month, or the end of a

billing cycle) automatically send usage information to a computer or another wireless device

using, for example, SMS (text) messages or a report file of all activity of the device) (see page 8,

paragraph 102).

Regarding claim 10, Bekanich discloses a method (see claim 1 rejection) wherein

captured call record information and airtime usage is used for generating personal services

records (i.e., the total talk time is continually added each time the talk and end keys are pushed,

thus giving a running total of talk time minutes used. the LCD display is programmed to provide not only the total talk time used but also to inform the subscriber of other desirable information such as the programmable minutes, the billing information, minutes available minutes used, minutes remaining and to signal an alarm to notify the subscriber when the total minutes available under the billing plan have been exceeded) (see page 4, paragraph 70).

Regarding claim 11, Bekanich discloses a method (see claim 1 rejection) wherein detecting airtime usage comprises detecting opening an email process (see fig. 14B, page 7 and paragraph 94).

Regarding claim 12, Bekanich discloses a method (see claim 1 rejection) wherein a plurality of call record information are stored in a list in said wireless handheld device and said user selects said client and matter information from said list (i.e., the CPUs also preferably keep a log of all incoming and outgoing Communications. And, the clock preferably provides clocking data to the CPU, which may be used by the CPU, monitor and display the time of day, the time a call is initiated and/or ended, and the duration of the call. Key pad may be used by an operator to input commands (selection from the log) to CPU to perform various functions, such as placing a phone call, storing phone numbers in a phone book, and settings various parameters for control functions within the CPU) (see paragraphs 83 and 87).

Regarding claim 13, Bekanich discloses a wireless handheld communication device (see abstract) comprising: a timer configured to time wireless communication (i.e., clock) (see paragraph 83); an input device to receive call record information from a user related to wireless communication (a touch screen display may display information to the user and allow the user to provide input to CPU) (see paragraph 85); storage configured to store call record information and

timing information from said timer (i.e., the CPUs preferably keep a log of all incoming and

outgoing communications. The log may be stored on an internal memory of the CPUs, or any

other memory device) (see page 6, paragraph 87).

Although Bekanich discloses a system wherein the CPU may be further programmed to,

at a predetermined time (e.g., once a day, week, month, or the end of a billing cycle)

automatically send usage information to a computer (see paragraph 102), Bekanich does not

specifically disclose a system comprising a communications system to transmit said call record

client and matter information and timing information to a central data processing system.

However, Plush discloses a system for generating billing data for subscribers (see

paragraph 1) wherein call detail records are periodically transferred to a billing system. The call

detail records are related to attach a charge to each usage recorded in the call detail records (see

page 1, paragraph 4).

Therefore, it would have been obvious to one of ordinary skill in the art to combine both

teachings to arrive at the claimed invention. A motivation for doing so would have been to

ensure the accuracy of the billing process.

Regarding claim 14, Bekanich discloses a device (see claim 13 rejection) wherein said

input device comprises means for prompting said user to enter call record information (i.e., a

touch screen display may display information to the user and allow the user to provide input to

CPU 135) (see paragraph 85).

Regarding claim 15, Bekanich discloses a device (see claim 13 rejection) further

including a voice communication system (see page 6, paragraph 86), wherein said timer is

configured to time each call through said voice communication system (see paragraph 83) and

said input device is configured to receive call record information related to each call (see

paragraphs 85 and 87).

Regarding claim 16, Bekanich discloses a device (see claim 13 rejection) wherein a voice

communication system (see page 6, paragraph 86) is configured to make a call in response to

said call record information being entered (i.e., a voice event, such as placement or receipt of a

phone call) (see page 6, paragraph 86).

Regarding claim 17, Bekanich discloses a device (see claim 13 rejection) wherein a voice

communication system is configured to prompt for said call record information in response to a

call being received i.e., monitoring the available usage of the wireless communication device and

continuously displaying the available usage of the wireless communication device after the

termination of the device event) (see page 3, paragraph 37, and paragraph 86).

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Pierre-Louis Desir whose telephone number is 703-605-4312.

The examiner can normally be reached on (571) 272-7799.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Emmanuel L. Moise can be reached on (571) 272-3865. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pierre-Louis Desir
AU 2681
05/25/2005

JEAN GELIN
PRIMARY EXAMINER